

**UNITED STATES OF DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

UNITED STATES OF AMERICA,	)	Civil Action No. 08cv3160
	)	
Plaintiff,	)	Judge Coar
	)	Magistrate Cox
	)	
v.	)	
	)	
EGAN MARINE CORPORATION, <i>in</i>	)	
<i>personam</i> , MOTOR VESSEL LISA E, <i>in rem</i> ,	)	
TANK BARGE EMC-423, <i>in rem</i> ,	)	
	)	In Admiralty
Defendants.	)	
	)	

**MOTION TO DISMISS COUNTS IV AND V**

Defendants Egan Marine Corporation, Motor Vessel LISA E and Tank Barge EMC-423, through their undersigned attorneys, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, hereby move this Honorable Court to dismiss Count IV (Refuse Act) and Count V (General Maritime Law) of the Amended Verified Complaint. The grounds for Defendants' motion are set forth more fully in the accompanying Memorandum in Support of Defendants' Motion to Dismiss.

WHEREFORE, Defendants respectfully request that their Motion to Dismiss be granted.

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I, the undersigned attorney, certify that on this 26th day of August, 2008, I caused a true and complete copy of the foregoing pleading to be served on the following counsel by electronic means through use of the Court's CM/ECF system:

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